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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,899	12/17/2001	Akio Watanabe	217205US2	7342

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

RAMPURIA, SATISH

ART UNIT	PAPER NUMBER
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2191

NOTIFICATION DATE	DELIVERY MODE
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03/22/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/015,899	Applicant(s) WATANABE ET AL.	
	Examiner Satish S. Rampuria	Art Unit 2191	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 18 January 2007. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 9-47.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 10/06/2006
13. ☐ Other: _____.


WEI ZHEN
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

(i) "However, it is respectfully submitted that paragraphs 11-17 of Kenji do not describe the selection of a circuit baseboard from a list, much less "a determining device" as defined in Claim 9. As noted previously, paragraph 15 of Kenji states that a preprogrammed input data file 22 is displayed on a screen, and the user may then input a command to send the data to the control section 3. Thus, there is no teaching of any kind in Kenji of a selection from among types of circuit baseboards. Kenji only describes a command to send the data to control unit 3. It is further respectfully submitted that neither Kunio nor Nakamura disclose this element either. As the cited references do not teach or suggest each and every element of Claim 9, Claim 9 (and dependent Claims 12-16) is patentable over the cited references. If the outstanding rejection of Claim 9 is not withdrawn, it is respectfully requested that for the purposes of appeal the next Office Communication allege with particularity where Kenji describes "a determining device" as defined in Claim 9 (i.e. what is the part number of the device described by Kenji).

Examiner's response: In response to the Applicants argument, Kenji discloses testing a device, which is an electronic (circuit board inherent) device. Kenji's system tests various types of electronic devices i.e., Consumer Transaction facilities, such as ATM, CD (Cash Dispenser) (see page 1, paragraph [0001]), where the list is displayed to the user based on the false mechanism equipment. It is displaying a list and the device is selected from the list to test (page 2, paragraph [0011-0017]), so, Kenji does disclose the limitations on paragraphs 11-17.

(ii) Claims 10 and 11 recite "an ID reading device" and "an ID determination device," respectively. The outstanding Office Action cited paragraph 2 of Kunio as describing these elements, and also that these elements "would be obvious in Nakamura system" without citing any portion of Nakamura to support this assertion.³ Instead, the Office Action simply concludes "Further ID reading and determination would be obvious."⁴ However, paragraph 2 of Kunio only describes that device driver software is different for different models. Thus, Kunio at best describes that multiple versions of device driver software may exist for different models. Therefore, Kunio does not teach or suggest "an ID reading device" and "an ID determination device" as defined in Claims 10 and 11. As a prima facie case of obviousness requires that each and every element of the claim be taught or suggested by one of the cited references, it is respectfully submitted that prima-facie case of obviousness has not been made with respect to Claims 10 and 11 (and dependent Claims 12-16).

Examiner's response: In response to Applicants argument, Kunio does disclose the ID reading determination device. Kunio discloses automatic creation of the device driver software automatic creation system which creates automatically the device driver software of the peripheral device which can communicate to a host computer (page 1, paragraph [0001]). ID for peripheral device has been created by manufacturer which identifies device on the network (page 1, paragraph [0002]). So, it would be obvious to have a reading device to determine the device on the network.

(iii) The outstanding Office Action cited Figure 3 of Harrison and column 5, line 62 to column 6, line 55 of Harrison as describing this element. However, as noted previously, Harrison only describes a system for simultaneously displaying and comparing three original log files. There is no teaching or suggestion in any part of Harrison for generating a sample file having a smaller size than a size of the log file, or sampling a log file. The cited portions of Harrison only describe scrolling through the three original log files. None of the cited portions of Harrison describe the creation of any other file. Accordingly, it is respectfully submitted that Harrison does not teach "a sample data file generation section" as recited in Claim 17. As Harrison does not teach each and every element of Claim 17, Claim 17 (and Claim 18 dependent therefrom) is not anticipated by Harrison and is patentable thereover. If the outstanding rejection of Claims 17 and 18 are not withdrawn, it is respectfully requested that for the purposes of appeal the next Office Communication provide the specific portion of Harrison that describes the creation of any other file based on the three original log files.

Examiner's response: In response to the Applicants argument, Harrison describes a system for simultaneously displaying and comparing three log files, as pointed out by the Applicants. Further, Harrison generates a new log file from those three log files according to the closest time stamp on those three log files (See FIG. 3 and related discussion and col. 5-6, lines 62-67 and 1-55). Accordingly, Harrison does disclose creating a new log file from the three log files, which would be much smaller in size.

(iv) Claim 42 recites a general purpose inspecting system comprising, inter alia, "means for determining in advance to transmission of the prescribed command whether an execution result of command processing will be abnormal by accessing the interface section and acquiring information of status of the controlled device."

Examiner's response: In response to the Applicants argument, Kenji does disclose the testing result outputted to printer or to the screen with the test equipment (see, page 3, paragraph [0018]). Previously, examiner indicated that it is inherent to Kenji's system to read the inspection progress (in advance) before displaying to user and further Harrison supports it on col. 2, line 65 to col. 3, line 20. Further, ID reading and ID determination (as indicated by Applicants) would be obvious in Nakamura system since perform inspections of various circuit board (see the Previous rejection mailed on 7/18/2006).